

UNITED STATES OF AMERICA,

Plaintiff,

VS.

CHARLES LEE COOK,

Defendant.

8:06CR344

ORDER

Defendant Charles Lee Cook (Cook) appeared before the court on May 2, 2014, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 55). Cook was represented by First Assistant Federal Public Defender Shannon P. O'Connor and the United States was represented by Assistant U.S. Attorney Douglas R. Semisch. Through his counsel, Cook waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Cook should be held to answer for a final dispositional hearing before Judge Joseph F. Bataillon.

The government moved for detention. Cook presented no evidence but requested release so he could commence employment at Culver's in Sioux City on May 10, live with his girlfriend, and seek treatment. Since it is Cook's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Cook has failed to carry his burden and that Cook should be detained pending a dispositional hearing before Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 2:30 p.m. on June 19, 2014**. Defendant must be present in person.
2. Defendant Charles Lee Cook is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

2. Defendant Charles Lee Cook is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 2nd day of May, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge